UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

      - against -   ORDER

                                        15-M-219

ELEONARA GIGLIOTTI, et al.

                    Defendant.

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    This order addresses the supplemental motion of defendant
Eleonara Gigliotti for a bond and for a court hearing to clarify
the terms of a bond set at a hearing on March 27, 2015. See DE 26.
The request for a further hearing is denied. Insofar there is a
need for clarification, this Court sets forth herein the terms of
the bond previously set.

    At the hearing held, this Court stated the bail package
proposed by defendant was insufficient. The package included a
$1,000,000 bond to be co-signed by five sureties -- the defendant's
two brothers-in-law, Mario and Luigi Gigliotti, Peorina Gigliotti
(Luigi's wife), and the defendant's son and his wife -- and further
secured by three properties owned by the sureties. Upon hearing
that Mario owned a second property, this Court required him to post
that property as collateral, too. Tr. 26. Ultimately, this Court
granted defendant's request for release on a bond, set a bond in
the amount of $4,000,000, and, in addition to the original sureties

proposed and their properties discussed, required that the defendant's father-in-law, Angelo Gigliotti, co-sign the bond <u>and</u> have a lien placed on his property where the Mario Gigliotti operates a restaurant. <u>See</u> Tr. at 25.

Because this Court conditioned defendant's release on satisfaction of all requirements set, defense counseled requested, and the Court agreed, that the sureties, who were all present at hearing except for Angelo Gigliotti, be permitted to sign the bond before the Court at that time. Tr. 27. After the bond form was completed and the five sureties signed it, I proceeded to advise the sureties of the risks they faced should the defendant violate the conditions of release. Tr. at 30-31. In doing so, this Court referred to only four properties, since these were the properties that five sureties signing the bond owned and were required to post as collateral. Tr. 31. The Court did not mention the fifth property required as collateral, Angelo Gigliotti's property, because there was no need to do so.

The signatures of the five sureties were on a second page of the bond and their properties were listed on that page. The signature line for Angelo Gigliotti and other conditions of release to be ordered by the Court were on the first page of the bond. This Court neglected to notice that there was no provision on either page of the bond that Angelo Gigiliotti would have to have a lien placed on his property, too. This was an oversight by the Court. The Court notes that the bond was prepared by the arraignment deputy who had left the courtroom to type up the bond

shortly after she understood that this Court would grant the defendant's motion for a bond. She was likely not present in the courtroom when discussion turned to Angelo Gigliotti's property. In any event, she apparently was not aware that I had required a fifth property to be posted. She prepared the calendar for this proceeding without review by the Court, as is commonly the practice in proceedings in the Arraignment Court, and the minute entry docketed repeated her notation on the calendar that the bond would be secured by four properties.

Thus, if any modification is required, it is correction of the court calendar, minute entry and bond to reflect accurately the Court's ruling that the defendant's release is conditioned upon the signing of a $4,000,000 bond by the six sureties and secured by five properties, as discussed at the March 27, 2015 hearing.

This order will be filed with a docket entry noting that the court minute entry and court calendar filed for the March 27th proceeding are deemed corrected to refer to five properties, instead of four. The property owned by Angelo Gigliotti shall be added to the bond form prior to his signing it.

SO ORDERED.

Dated: Brooklyn, New York
          April 1, 2015

                              /s/
                              MARILYN D. GO
                              UNITED STATES MAGISTRATE JUDGE